

JOSEPH P. RUSSONIELLO (CABN 44332)
United States Attorney

BRIAN J. STRETCH (CABN 163973)
Chief, Criminal Division

JAMES C. MANN (CABN 221603)
Assistant United States Attorney

1301 Clay Street, Suite 340-S
Oakland, California 94612
Telephone: (510) 637-3680
Facsimile: (510) 637-3724
E-Mail: James.C.Mann@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 09-00037 SBA
)	
Plaintiff,)	STIPULATED REQUEST TO CONTINUE
)	HEARING DATE TO APRIL 7, 2009 AND
v.)	TO EXCLUDE TIME UNDER THE
)	SPEEDY TRIAL ACT
JUAN ANGEL OSORIO-FUNEZ,)	
a/k/a Emilio Andrate,)	Date: March 17, 2009
a/k/a Osorio Danilo Fernandez,)	Time: 9:00 a.m.
a/k/a Juan Angel Funez,)	Court: Hon. Sandra Brown
a/k/a Juan Angel Osorio,)	Armstrong
a/k/a Julio Mejia,)	
a/k/a Juan Funez,)	
a/k/a Carlos Jimenez,)	
a/k/a Asento Gonzalez,)	
a/k/a Abelardo Trejo,)	
a/k/a Gonzalo Andrade,)	
a/k/a Marcial Cariyo,)	
a/k/a Alelardo Trejo,)	
)	
Defendant.)	

The above-captioned matter is set on March 17, 2009 before this Court for a status hearing. This matter is also set on April 7, 2009 at 10:00 a.m. before this Court for change of plea or motions setting. The parties request that this Court vacate the status hearing on March

STIP. REQ. TO CONTINUE HEARING DATE TO APRIL 7, 2009 AND TO EXCLUDE TIME
No. CR 09-00037 SBA

1 17, 2009, and that the Court exclude time under the Speedy Trial Act between the date of this
2 stipulation and the hearing on April 7, 2009.

3 The government produced discovery to counsel for defendant on January 15, 2009.
4 Defense counsel needs additional time to review the discovery that has been produced and to
5 investigate this matter. Specifically, defense counsel is investigating issues related to
6 defendant's criminal history and prior deportations. The parties agree the ends of justice served
7 by granting the continuance outweigh the best interests of the public and defendant in a speedy
8 trial. Therefore, the parties further stipulate and request that the Court exclude time between the
9 date of this stipulation and April 7, 2009 under the Speedy Trial Act for effective preparation of
10 counsel and continuity of defense counsel, and pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv).
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12 DATED: March 12, 2009
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15 /s/
JAMES C. MANN
Assistant United States Attorney
16 Counsel for United States
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/s/
EDWARD A. SMOCK
Counsel for Juan Angel Osorio-Funez

1 investigating issues related to defendant's criminal history and prior deportations. The parties
2 agree the ends of justice served by granting the continuance outweigh the best interests of the
3 public and defendant in a speedy trial. For these stated reasons, the Court finds that the ends of
4 justice served by granting the continuance outweigh the best interests of the public and defendant
5 in a speedy trial. Good cause appearing therefor, and pursuant to 18 U.S.C. § 3161(h)(8)(B)(iv),
6 **IT IS HEREBY ORDERED** that the status hearing in this matter on March 17, 2009 is
7 vacated, and that time between March 12, 2009 and April 7, 2009 is excluded under the Speedy
8 Trial Act to allow for the effective preparation of counsel, taking into account the exercise of due
9 diligence.

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11 DATED:3/13/09


HON. SAUNDRA BROWN ARMSTRONG
United States District Judge